

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALICIA WASHINGTON,

Plaintiff (s),

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT and "P. O. BAKER",

Defendant (s),

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and serve a copy you answer, or, it the complaint is not served with this summons, to serve a notice appearance, on the Plaintiff's Attorney (s) within 20 days after the service of complete if this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgement will be taken against you by default for the relief demanded in the complaint.

Dated: August 25, 2014

HARMON, LINDER & ROGOWSKY, ESQS.
Attorney (s) for Plaintiff (s)
Post Office Address:
3 Park Avenue, Suite 2300
New York, NY 10016

The City of New York
100 Church Street
New York, NY 10007

The New York City Police Department
One Police Plaza
New York, NY 10033

P. O. Baker
One Police Plaza
New York, NY 10033

Index No.

Plaintiff designates
NEW YORK

County as the place of trial
The basis of the venue is

Plaintiff's Residence
SUMMONS

Plaintiff resides at:
2541 Seventh Avenue, #241
New York, NY 10039

County of NEW YORK

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
ALICIA WASHINGTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT and "P.O. BAKER"

Defendant.
-----X

VERIFIED
COMPLAINT
Index No.

Plaintiff, complaining of the defendants herein by their attorneys, HARMON, LINDER
& ROGOWSKY, upon information and belief, respectfully set forth and alleges, as follows:

AS FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF ALICIA WASHINGTON

1. Plaintiff is a resident of the County, City and State of New York.
2. This action falls within one or more of the exceptions set forth in CPLR 1602, including CPLR 1602(6).
3. The cause(s) of action alleged herein arose in the County of Kings, City and State of New York on November 18, 2013.
4. At all times herein mentioned, defendant, THE CITY OF NEW YORK (hereinafter CITY), was a municipal corporation duly organized and existing under and by virtue of the Laws of the State of New York.
5. CITY maintained an office in the County, City and State of New York.
6. Plaintiff duly served a Notice of Claim and Intention to Sue thereupon on CITY, February 10, 2013, within the time prescribed by law.
7. CITY has neglected and refused to make an adjustment in payment thereof within more than thirty (30) days service of said Notice of Claim and Intention to Sue.

8. Plaintiff has duly complied with all statutes and laws applicable to the defendant CITY precedent to the making of this claim and bringing this action.
9. At all times herein mentioned, THE NEW YORK CITY POLICE DEPARTMENT (hereinafter referred to as "NYPD") was an agency of CITY.
10. At all times herein mentioned, defendant, CITY, its agents, servants, and/or employees owned a traffic control barrier/device, located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
11. CITY, its agents, servants, and/or employees operated a traffic control barrier/device, located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
12. CITY, its agents, servants, and/or employees managed a traffic control barrier/device, located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
13. CITY, its agents, servants, and/or employees maintained a traffic control barrier/device, located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
14. CITY, its agents, servants, and/or employees controlled a traffic control barrier/device, located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
15. At all times herein mentioned defendant, "P.O. BAKER", was and still is an employee, servant and or agent of the defendant NYPD and acting as an individual and in his capacity as the employee, agent and or servant of the defendant NYPD.

16. "P.O. BAKER" was acting within the course and scope of his authority as an employee agent and or servant of the defendant NYPD.
17. At all times herein mentioned, the hiring of employees agents and or servants for the defendant, NYPD, was under its control.
18. At all times herein mentioned, plaintiff ALICIA WASHINGTON was the owner and operator of a motor vehicle bearing the registration number EYG1448, State of New York.
19. ON the 18th day of November, 2013, at approximately 11:30 p.m., while plaintiff was attempting to exit the traffic control barrier/device located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York, P.O BAKER who was operating the traffic control barrier/device, raised the traffic control barrier/device as plaintiff's vehicle was passing through causing the traffic control barrier/device to strike plaintiff's vehicle, thereby causing plaintiff to sustain severe and serious injuries.
20. The defendants, their agents, servants and/or employees were negligent as set forth in the complaint and as follows, among other things: in failing to ensure that the area was clear before operating the barrier, in failing to see claimant's car at the time of the operation of the barrier, in failing to give claimant warning that the barrier was about to go up, in striking the claimants vehicle with the barrier.
21. As a result of the foregoing, the plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief will be compelled to do so in the future.

22. This occurrence and the injuries sustained by the plaintiff was caused wholly and solely by the negligence of defendants.
23. This action falls within one or more of the exemptions set forth in Section 1602 of the CPLR.
24. By reason of the foregoing, plaintiff, ALICIA WASHINGTON, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.


AS FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF ALICIA WASHINGTON

25. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs of this complaint numbered "1" through "24", inclusive, with the same force and effect as though the same were more fully set forth at length herein.
26. Upon information and belief the defendants, its agents and servants were negligent in the hiring, training and supervision of their employees, including P.O. BAKER, to supervise, look, observe, and watch the traffic control barrier/device located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
27. The defendant and its employees, including P.O. BAKER, was under an obligation by its promulgations, policies and rules to supervise, look, observe and watch the traffic control barrier/device located at Tech Place at or near its intersection with Lawrence Street, in the County Kings, City and State of New York.
28. As a result of the foregoing, the plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief will be compelled to do so in the future.

29. This occurrence and the injuries sustained by the plaintiff was caused wholly and solely by the negligence of defendants.
30. This action falls within one or more of the exemptions set forth in Section 1602 of the CPLR.
31. By reason of the foregoing, plaintiff, ALICIA WASHINGTON, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff ALICIA WASHINGTON demands judgment against the defendants in the in the **First and Second Causes of Action** in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction;

Dated: New York, New York
Thursday, August 21, 2014



HARMON, LINDER & ROGOWSKY
Attorneys for Plaintiff
3 Park Avenue, Suite 2300
New York, NY 10016
(212) 732-3665
MJL/JR

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, the undersigned, am an attorney admitted you practice in the Courts of New York State, and say that:


I am the attorney of record or of counsel with the attorney (s) of record for plaintiff.

I have read annexed **VERIFIED SUMMONS AND COMPLAINT** and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief. My belief, as to those matters therein not stated upon knowledge is based upon the following:

Interviews and/or discussions with the plaintiff (s) and papers and /or documents in the file.

The reasons I make this affirmation instead of the plaintiff is because said plaintiff resides outside of the county from where your deponent maintains his office for the practice of law.

Dated: New York, NY
August 25, 2014


Mark J. Linder

Index No.

Year

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY **NEW YORK**

ALICIA WASHINGTON,

Plaintiff (s),

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT and "P. O. BAKER",

Defendant (s),

VERIFIED SUMMONS AND COMPLAINT

HARMON, LINDER & ROGOWSKY, ESQS.
Attorney (s) for Plaintiff (s)
3 Park Avenue, Suite 2300
New York, NY 10016
(212)-732-3665 Fax (212)-732-1462

To:

Attorney (s) for

Service of a copy

of the within

Is hereby admitted,

Dated:

.....
Attorney (s) for

PLEASE TAKE NOTICE

NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of a the Clerk of the within named
Court on 20

NOTICE OF
SETTLEMENT

that an order of which the within is a true copy will be
presented for settlement to the Hon. one of judges
Of the within name Court, on 20, at M.

Dated

HARMON, LINDER & ROGOWSKY, ESQS.
Attorney (s) for Plaintiff (s)
3 Park Avenue, Suite 2300
New York, NY 10016
(212)-732-3665 Fax (212)-732-1462